

REMARKS

The Office Action, mailed October 6, 2005, considered claims 1-26. Claims 1-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta, et al. (US 6,704,786) hereinafter Gupta 786 and in view of Gupta, et al. (US 6,763,384) hereinafter Gupta 384.¹

By this paper, claims 1, 2, 7, 8, 10, 11, 16, 17, 20 and 21 have been amended, and new claims 27, 28 and 29 have been added, such that claims 1, 2, 4-11, 13-21, and 23-30 remain pending.

The claims of the application are directed to methods and apparatus for ensuring that notifications can be received while efficiently using various protocols. To accomplish this, a client system first determines whether or not it can receive event notifications by a connectionless protocol. Note that in the claims as presently amended, the claims recite that the event notifications are server system initiated notifications as opposed to being simply messages sent as a direct reply to a client request for information. This is significant in that it allows a client to preselect how subsequent server initiated notifications will be received. If the client system determines that it can receive server initiated notifications through the connectionless protocol, then the client system requests that server initiated notifications be sent through the connectionless protocol. If the client system determines that it cannot receiver server initiated notifications through the connectionless protocol, then the client system requests that notifications be sent using a connection-oriented protocol.

The art cited by the Examiner neither teaches not suggests that which is recited by the claims of the present application. In particular, Gupta 786 is directed to carrying out communications using either a connectionless protocol, a connectionless protocol with state information to allow the server to respond either using the connectionless protocol or using the state information, or directions from the server to fall back to a connection oriented protocol. See Abstract. However, Gupta 786, as admitted by the Examiner at page 3 of the office action, does not discuss server initiated notifications. In particular, Figures 3A, 3B, 4, 10A, 10B, and 10C each illustrate messaging initiated by the client. Gupta 786, however is silent with regards to server system initiated notifications. As such, Gupta 786 is also silent with respect to the

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

claims element which recites that "an act of the client system determining, based on the act of attempting to receive a packet of data from the server system, whether or not the client system can receive notifications, generated as the result of the happening of a monitored event, from the server system using a connectionless protocol...."

Gupta 384 does not compensate for the deficiencies of Gupta 786. While Gupta 384 does disclose notifications, it does not disclose determining at the client if the notifications can be received by a connectionless protocol. Rather, Gupta 384 only illustrates that a client registers with a server for receiving notifications, and then receives the notifications. See Abstract. The client does not determine if it can receive notifications through a connectionless protocol. This element is simply not recited or suggested by either Gupta 786 or Gupta 384.

Furthermore, although the foregoing remarks have been focused primarily on the independent claims, it will be appreciated that all of the rejections and assertions of record with respect to the independent claims, as well as the dependent claims, are now moot, and therefore need not be addressed individually. However, in this regard, it should be appreciated that Applicant does not necessarily acquiesce to any assertions in the previous Office Action that are not specifically addressed above, and hereby reserves the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice.

While not necessary, applicant would in particular like to point out that the new dependent claims are novel for various reasons in addition to their dependence from claim 1, which is also believed to be novel. In particular, claim 27 is directed to using a connection oriented protocol to request a connectionless protocol message. This is simply not taught by Gupta 786 or Gupta 384. Rather, Gupta 786 shows using connection oriented protocols to receive connection oriented protocol messages (Figure 2, and col. 6, lines 7-42), using connectionless protocols to receive connectionless protocol messages (Figures 3B and 10A), or using connectionless protocols to receive notifications to try connection oriented protocol messages (Figure 10C). In contrast, the use of connection oriented protocols to request connectionless protocol messages is significant in that the embodiment claims in claim 27 can be assured that the request for a connectionless protocol message was received by the server such that the non-responsiveness of the server when a connectionless protocol message is not received by the client system can be properly attributed to the inability of the client system to receive connectionless protocol messages.

Claim 28 is directed to an embodiment for requesting messages using a connectionless protocol at some time before the notification of an event might occur. This is simply not taught by Gupta 786, or Gupta 384. The subject matter of new claims 29 is also not taught by Gupta 786 or Gupta 384, which relates to requesting messages using a connectionless protocol when a change in a network configuration is detected, wherein the change is at least one of removal or reconfiguration of a firewall.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3rd day of July, 2006

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
J. LAVAR OLDHAM
Registration No. 53,409
Attorneys for Applicant
Customer No. 047973